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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hiscott, John et al.  
Appln. No. : 09/647,965  
Filed: : October 6, 2000  
Title: : Highly Active Forms of Interferon Regulatory Factor Proteins  
  
Grp./A.U. : 1636  
Examiner : Terry A. McKelvey  
Docket No. : A33606-PCTUS

## DECLARATION PURSUANT TO 37 CFR § 1.132

We, JOHN HISCOTT and RONGTUAN LIN, hereby declare that:

1. We are the inventors of the subject matter described and claimed in the above-identified application.
2. The reference entitled "Virus-Dependent Phosphorylation of the IRF-3 Transcription Factor Regulates Nuclear Translocation, Transactivation Potential, and Proteasome-Mediated Degradation" (Molecular and Cellular Biology, May 1998, Vol. 18, No: 5, pp. 2986-2996) identified in the Office Action of July 13, 2004 as "Lin *et al.* (Applicant reference BS)" (hereinafter referred to as "Lin *et al.*") names Rongtuan Lin, Christophe Heybroeck, Paula M. Pitha and John Hiscott as co-authors.
3. We, John Hiscott and Rongtuan Lin jointly invented the subject matter disclosed in the Lin *et al.* reference.
4. Christophe Heybroeck was named as an author in the Lin *et al.* reference because he was a graduate student working in the lab of Dr. John Hiscott when the invention was made and provided technical assistance with some of the experimental techniques that were used. Christophe Heybroeck worked under the supervision and direction of Dr. Hiscott and he did not participate in, or contribute to, the conception or invention of the subject matter disclosed in the Lin *et al.* reference.
5. Paula M. Pitha was a collaborator on this study and provided the initial IRF3 plasmid used for the work. She did not participate in, or contribute to, the conception or invention of the subject matter disclosed in the Lin *et al.* reference.
6. Accordingly, the Lin *et al.* reference describes subject matter jointly invented by the two of us, and to which Christophe Heybroeck and Paula M. Pitha contributed only technical assistance.
7. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under

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section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Date Dec. 7, 2004  
John FliscottDate Dec-7, 2004  
Rongtuan Lin